

Jan 25, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID L FERGUSON,

Plaintiff,

v.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

No. 4:17-CV-05054-EFS

**ORDER GRANTING STIPULATED MOTION
FOR REMAND**

JUDGMENT: REVERSED AND REMANDED

Before the Court, without oral argument, is the parties' Stipulated Motion for Remand, ECF No. 16. The parties ask the Court to remand this case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).¹ The parties seek remand for the Administrative Law Judge to conduct a de novo hearing on his Title XVI claim, further develop the record and update the medical records, and issue a new decision. ECF No. 16. Additionally, the parties expressly agree that the Administrative Judge shall also:

- Reevaluate the medical evidence of record, including the opinion evidence;
- Obtain evidence from a medical expert to assist in determining whether medical improvement occurred as of April 1, 2015;
- Reevaluate Plaintiff's credibility and RFC; and
- Continue the seven-step sequential evaluation process for determining whether medical improvement has occurred, obtaining supplemental vocational expert testimony and medical expert testimony.

¹ That section states in relevant part: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. 405(g).

1 Having considered the parties' request and the record as a
2 whole, the Court grants the Motion and remands this case for further
3 administrative proceedings. Upon proper presentation, the Court will
4 consider a motion by Plaintiff for attorney fees under the Equal
5 Access to Justice Act.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 **1.** The parties' Stipulated Motion for Remand, **ECF No. 16**, is
8 **GRANTED.**

9 **2.** Pursuant to 42 U.S.C. § 405(g), this case is **REVERSED** and
10 **REMANDED** to the Social Security Administration for further
11 proceedings consistent with this Order and the parties'
12 stipulation.

13 **3.** All pending motions are **DENIED AS MOOT.**

14 **4.** All hearings and other deadlines are **STRICKEN.**

15 **5.** **JUDGMENT** is to be entered in Plaintiff's favor.

16 **6.** The case shall be **CLOSED.**

17 **IT IS SO ORDERED.** The Clerk's Office is directed to enter
18 judgment in favor of Plaintiff, file this Order, and provide copies to
19 all counsel and the Social Security Administration.

20 **DATED** this 25th day of January 2018.

21
22 s/Edward F. Shea
23 EDWARD F. SHEA
24 Senior United States District Judge
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